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09/997,648	11/29/2001	Thomas Yang	P/3438-14	7407

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EXAMINER

GOODWIN, JEANNE M

ART UNIT PAPER NUMBER

2841

DATE MAILED: 09/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/997,648

Applicant(s)

YANG, THOMAS

Examiner

Jeanne-Marguerite Goodwin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

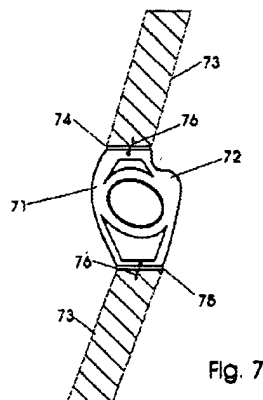
1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 7, 9 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 5,912,865 to Ortega.

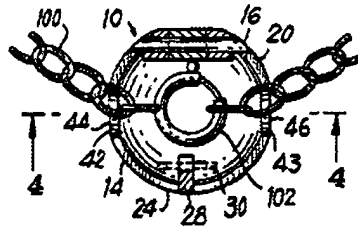
Ortega discloses in Figures 4-7 a wristwatch case comprising a watch band having two ends, wherein the two ends while adjusting to the contour of the wrist bands have a minor axis disposed at an angle to a major longitudinal axis, wherein the ends further form a substantially perpendicular intersection with the minor axes, the wrist bands connect to the wristwatch case attached between the ends, at the fastening sites, to be worn at the wrist, whereby the angle between the minor axes at the ends is less than  $180^\circ$  (see figure below). Furthermore, as seen in Fig. 4 the wrist band, wherein one side appears to be wider than the other side when the band is assembled and worn.



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3. Claims 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 5,214,940 to Capifali.

Capifali discloses a bracelet comprising a band for the wrist wherein the band, when assembled and worn, has an approximately frusto-conical shape. The band has a major longitudinal axis along a substantial portion of the length of the band and having two ends, the two ends each having a minor axis which is disposed at an angle to the major longitudinal axis, the ends further forming a substantially perpendicular intersection with the minor axes, the band being adapted to connect to an object (16) to be attached between the ends to be worn at the wrist, whereby the angle between the minor axes at the ends is less than  $180^\circ$  (see figure below).



#### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 5, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ortega.

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Ortega discloses a device as stated above with regards to claims 1-3, 7, 9 and 14.

Ortega discloses all the subject matter claimed by applicant with the exception of the limitation stated in claims 4 and 11, i.e., a hinge pin; and the limitation stated in claims 5 and 12, i.e., screws.

With respect to the limitations stated in claims 4 and 5: Official Notice is taken with respect to the particular attachment devices, i.e., hinge pin or screws, since it is well known in the timepiece art that hinge pins or screws are one of numerous attachment means used in order to attach the timepiece case to the wrist bands, respectively. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to add either hinge pins or screws to the fastening site of Ortega, in order to attach the timepiece case to the wrist bands.

6. Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ortega in view of US Patent 5,035,000 to Matthias.

Ortega discloses a device as stated above with regards to claims 1-3, 7, 9 and 14.

Ortega discloses all the subject matter claimed by applicant with the exception of the limitation stated in claims 6 and 13, i.e., the band being worn beneath a sleeve of a long sleeve shirt.

With respect to the limitation stated in claims 6 and 13: Matthias teaches a wristwatch and band assembly, wherein the band is worn beneath a sleeve of a long sleeve shirt and the wristwatch being exposed to view uncovered by the sleeve. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the wristwatch of Ortega, by adjusting it to fit in the sleeve arrangement, as taught by Matthias,

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in order to offer the advantages of having the watch face readily visible at all times (i.e., not obscured by the shirt cuff) while retaining a neat, tailored appearances, as already suggested by Matthias.

7. Claims 8, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ortega in view of Capifali.

Ortega discloses a device as stated above with regards to claims 1-3, 7, 9 and 14.

Ortega discloses all the subject matter claimed by applicant with the exception of the limitation stated in claims 8 and 18, i.e., the band having an approximately frusto-conical shape.

With respect to the limitation stated in claims 8 and 18: Capifali discloses a bracelet comprising a band/chain and hinge assembly having an approximately frusto-conical shape. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to replace the fastening site of Ortega, with the band/chain and hinge assembly, as taught by Capifali, in order to give a better fit by conforming to the wearer's wrist, respectively.

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited in the PTO-892 disclose related devices. Colani discloses an offset wristband; and gleich Anmelder discloses a flexible wristband assembly.

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9. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Examiner Jeanne-Marguerite Goodwin whose telephone number is (703) 305-0264. The examiner can normally be reached on Monday-Friday (9am-6pm), alternate Fridays off. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7724. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



JMG  
Sept. 2, 2003

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